

Evaluating a System of Judicial Discipline

Transparency

Are the proceedings public?
At what point in time do the proceedings become public?
Are discipline opinions published in a searchable, online database?
Is the budget for the commission public?
Should private discipline be abolished?
Should it still be a crime to reveal documents filed with the commission?

Accountability

Who makes the judicial discipline rules?
Should some rules be prohibited?
Who can remove a judge from the bench or discipline a judge?
Is there an Executive Director who can undermine the commission?
Is the Code of Judicial Conduct enforced even if it relates to a ruling?
May a judge be disciplined for refusing to follow well-established law?

Conflicts of Interest?

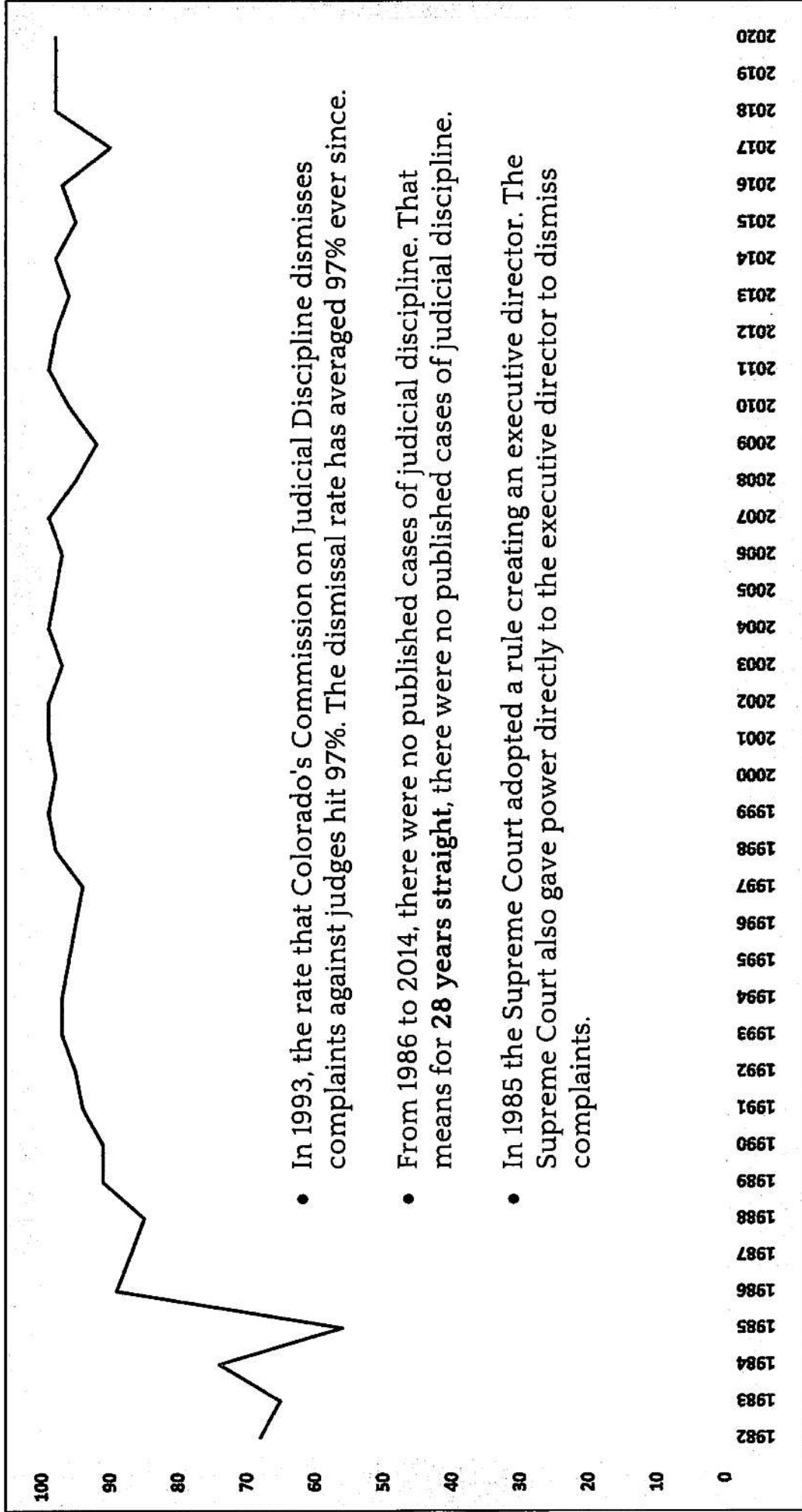
Who selects the members of the commission?
Who is on the commission?
Do citizens outnumber legal professionals?
Are legal professionals necessary?
Who makes the judicial discipline rules?
Who actually imposes discipline?
Should some commission rules be prohibited?
Should changes in the Code of Judicial Conduct need Senate confirmation?



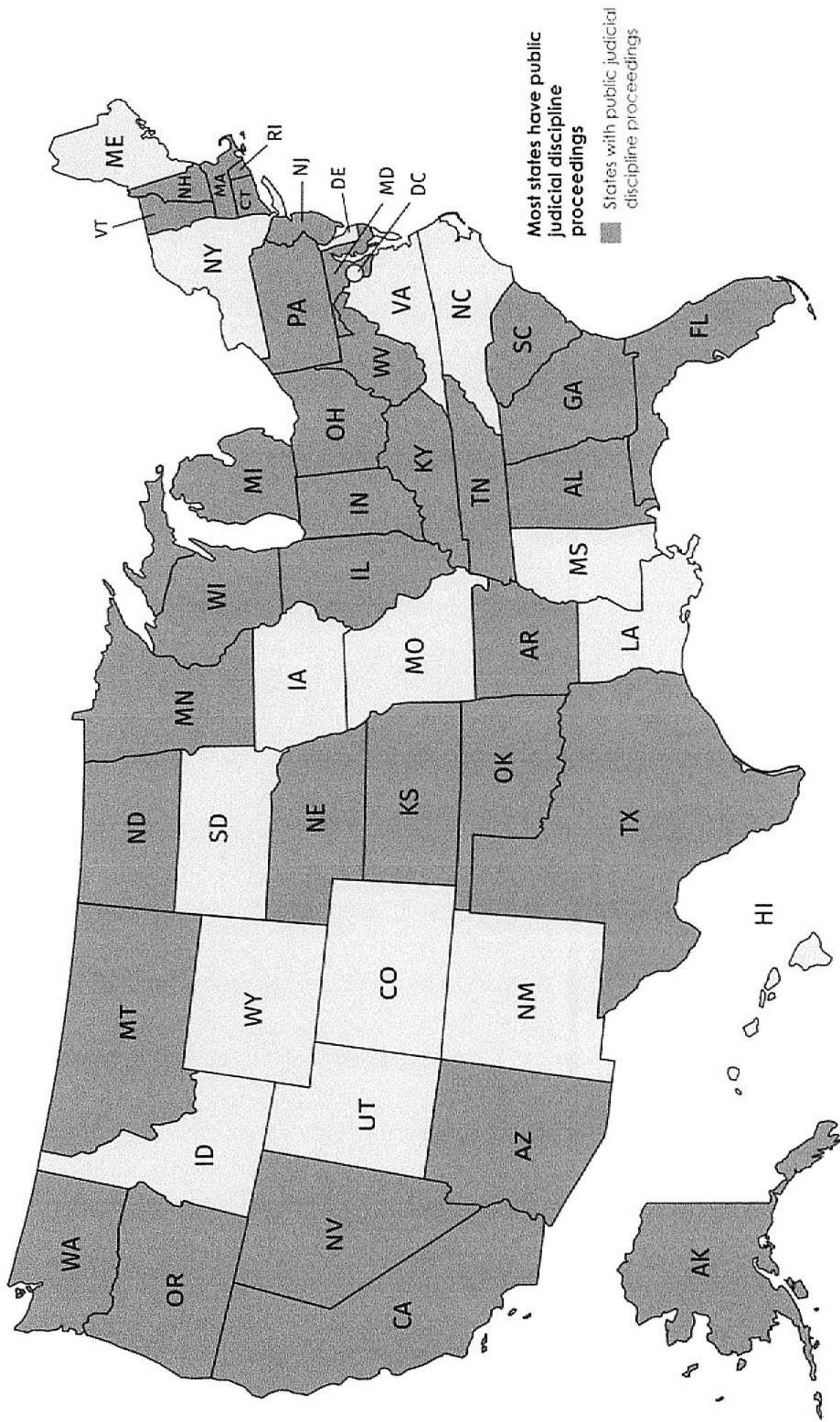
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Dismissals of Complaints Filed with the Colorado Commission on Judicial Discipline

Source: Annual Reports of the Colorado Commission on Judicial Discipline



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Most states have public judicial discipline proceedings

States with public judicial discipline proceedings

What State Handles Judicial Discipline Best?

	California	Colorado
Proceedings public?	YES When formal charges filed	NO
Discipline opinions published on commission's website?	YES In a searchable database	NO
Private info accessible by other agencies?	YES When judge is being considered for another judicial appointment	Possibly Performance & nominating commissions, governor might get some info if they ask
Executive Director?	NO	YES And pursuant to rule issued by the Supreme Court, he alone dismisses most complaints.
Who disciplines?	Commission -- with a petition to review to the Supreme Court	Supreme Court -- commission may privately admonish, censure, reprimand or institute a diversion plan
Is the budget for the commission public?	YES And the budget shall be separate from the budget of any other state agency or court.	NO
Who makes the judicial discipline rules?	Commission	Supreme Court
Who is on the commission?	3 judges 2 lawyers 6 citizens [Citizens outnumber legal professionals]	4 judges 2 lawyers 4 citizens [Legal professionals outnumber citizens]

Based on a 50-state survey conducted by:

